

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DELL INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1 :16-cv-00641 - SS
)	
RAJ MISHRA; TECH FIXING CENTER)	
LLC; SAMEER SHAIKH; MANISH DAS;)	The Honorable Sam Sparks
ABDUL KANCHWALA; VISION BPO PVT.)	
LTD.; MS VOIP CONNECTS; TUSHAR)	
BOSE; PRO9 INFOSERVICES PVT. LTD.;)	
GLOBAL VALUE ADD INC.; SUDHIR PAI;)	
GURU DORSALA; and WEBCONNECT)	
LLC,)	
)	
Defendants.)	
)	

PLAINTIFF DELL INC.'S STATUS REPORT

Plaintiff Dell Inc. ("Dell"), by its undersigned attorneys, respectfully submits this report on the status of Dell's efforts to serve individuals who are of unknown residence or are located in India, pursuant to the Court's Order of January 26, 2017. (Dkt. No. 35.)

1. Defendants are perpetrating a fraud on Dell and its customers. The fraudulent scheme is that Defendants, operating VoIP call centers in India, make calls to Dell customers in the United States with a pitch mimicking actual Dell customer support services and claiming to be Dell technical support representatives. (3d Am. Compl. [Dkt. No. 56] ¶¶ 46–47). In truth, these Defendants are not affiliated with or authorized by Dell. (*Id.* at ¶¶ 48–51). Defendants deceive consumers into believing that their personal computers and software require technical assistance to make their Dell devices safe. (*Id.* at ¶ 53). By passing themselves off as legitimate Dell customer service technicians, Defendants and/or their agents convince customers to allow the unaffiliated technician to inspect the customer's computer, noting an 'alarming presence of

malware and viruses’ on the device. (*Id.* at ¶ 54). The Defendants then direct the Dell customers to websites, such as that of Defendant Tech Fixing Center, where they charge the customer between \$549.99 and \$899.99 for unauthorized products and services rendered under the Dell name. (*Id.* at ¶ 57). Defendant Tech Fixing Center’s website is just one of a multitude of unauthorized websites used by Defendants to perpetrate this scam. (*Id.* at ¶ 97). Dell alleges that the Defendants are acting in concert (*see, e.g., id.* at ¶¶ 137 and 147) and as part of a conspiracy (*see id.*, Fifth Cause of Action, ¶¶ 133–144).

2. All defendants have now been served other than Raj Mishra and Vision BPO Pvt. Ltd. This Court entered an order of default against Tech Fixing Center LLC on January 26, 2017. (Dkt. No. 35.) The Clerk of this Court entered a default against Tushar Bose, Manish Das, Abdul Kanchwala, MS VOIP Connects, Pro9 Infoservices Pvt. Ltd., Sameer Shaikh, and Webconnect LLC on September 1, 2017. (Dkt. No. 81.) Global Value Add Inc., Sudhir Pai, and Guru Dorsala have answered. (Dkt. No. 70.)

3. Dell filed its Complaint on May 31, 2016, naming Raj Mishra and Tech Fixing Center LLC as defendants. (Dkt. No. 1.)

4. This Court granted Dell’s motion for expedited discovery on July 22, 2016. (Dkt. No. 11.)

5. Dell filed an Amended Complaint on September 8, 2016, which added Sameer Shaikh, Manish Das, Abdul Kanchwala, Vision BPO Pvt. Ltd., and MS VOIP Connects as defendants. (Dkt. No. 16.)

6. Dell filed a Second Amended Complaint on April 5, 2017, which added Tushar Bose, Pro9 Infoservices Pvt. Ltd., Global Value Add Inc., Sudhir Pai, and Guru Dorsala as defendants. (Dkt. No. 40.)

7. Dell filed a Third Amended Complaint on May 22, 2017, which added Webconnect LLC as a defendant. (Dkt. No. 56.)

8. This Court granted Dell's motion for leave to serve Raj Mishra, Sameer Shaikh, Manish Das, Abdul Kanchwala, Tushar Bose, and Pro9 Infoservices Pvt. Ltd. by alternative means on July 12, 2017 ("Service Order"). (Dkt. No. 69.)

9. Raj Mishra was sent a summons, a copy of the Third Amended Complaint, and a copy of the Service Order at the email addresses he used to contact victims on July 18, 2017, but those email addresses no longer exist and so service was unsuccessful.

10. Tech Fixing Center LLC was served with a summons and a copy of the Complaint on July 18, 2016 (Dkt. No. 12), and filed an answer to the Amended Complaint on October 26, 2016 (Dkt. No. 25). After it failed to comply with the Court's order to obtain new counsel, the Court found Tech Fixing Center LLC in default on January 26, 2017. (Dkt. No. 35).

11. Sameer Shaikh was served with a summons and a copy of the Third Amended Complaint pursuant to the Service Order on July 18, 2017. (Dkt. No. 75.) Mr. Shaikh had until August 8, 2017 to answer or otherwise respond; he is currently in default. (Dkt. No. 81.)

12. Manish Das was served with a summons and a copy of the Third Amended Complaint pursuant to the Service Order on July 18, 2017. (Dkt. No. 73.) Mr. Das had until August 8, 2017 to answer or otherwise respond; he is currently in default. (Dkt. No. 81.)

13. Abdul Kanchwala was served with a summons and a copy of the Third Amended Complaint pursuant to the Service Order on July 18, 2017. (Dkt. No. 77.) Mr. Kanchwala had until August 8, 2017 to answer or otherwise respond; he is currently in default. (Dkt. No. 81.)

14. Vision BPO Pvt. Ltd. is in India. Dell attempted to serve it pursuant to Federal Rule of Civil Procedure ("Rule") 4(f), but was informed on July 7, 2017 by India's Ministry of

Law and Justice, Department of Legal Affairs, that service had been unsuccessful. Dell is attempting to discover a physical or electronic address to which service may be sent.

15. MS VOIP Connects was served with a summons and a copy the Amended Complaint pursuant to the Hague Convention, although Dell did not receive the return on the summons from India until late June. (Dkt. No. 65.) MS VOIP Connects had until February 20, 2017 to answer or otherwise respond; it is currently in default. (Dkt. No. 81.)

16. Tushar Bose was served with a summons and a copy of the Third Amended Complaint pursuant to the Service Order on July 18, 2017. (Dkt. No. 74.) Mr. Bose had until August 8, 2017 to answer or otherwise respond; he is currently in default. (Dkt. No. 81.)

17. Pro9 Infoservices Pvt. Ltd. was served with a summons and a copy of the Third Amended Complaint pursuant to the Service Order on July 18, 2017. (Dkt. No. 76.) Pro9 Infoservices Pvt. Ltd. had until August 8, 2017 to answer or otherwise respond; it is currently in default. (Dkt. No. 81.)

18. Global Value Add Inc. was served with a summons and a copy of the Second Amended Complaint on April 14, 2017. (Dkt. No. 48). It filed an answer to the Third Amended Complaint on July 14, 2017. (Dkt. No. 70.)

19. Sudhir Pai was served with a summons and a copy of the Second Amended Complaint on April 12, 2017. (Dkt. No. 47.) He filed an answer to the Third Amended Complaint on July 14, 2017. (Dkt. No. 70.)

20. Guru Dorsala was served with a summons and a copy of the Second Amended Complaint on April 13, 2017. (Dkt. No. 46). He filed an answer to the Third Amended Complaint on July 14, 2017. (Dkt. No. 70.)

21. Webconnect LLC was served with a summons and a copy of the Third Amended Complaint on May 26, 2017. (Dkt. No. 58). Webconnect LLC had until June 2, 2017 to answer or otherwise respond; it is currently in default. (Dkt. No. 70.)

DATED: November 21, 2017

Respectfully submitted,

/s/ Kimball R. Anderson

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Counsel for Plaintiff Dell Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 21, 2017 a true and correct copy of *Plaintiff Dell Inc.'s Status Report* was filed with the Court's CM/ECF system, which serves it on all counsel of record who have consented to service by electronic means and makes it available to parties for which Dell has no known address, and that a true and correct copy was served on the following parties by placing it in the U.S. mail, First Class or international postage prepaid, to their last known address:

Tech Fixing Center LLC
710 East Main Street
Lexington, Kentucky 40502

/s/ Sinéad O'Carroll

Sinéad O'Carroll